

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 4029 0129WO FRI/MKU/		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/003895	International filing date (day/month/year) 13.04.2004	Priority date (day/month/year) 11.04.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant SCHUNK GMBH & CO. KG			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>8</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003895

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 5-14 _____ as originally filed/furnished
- pages* 1-4 _____ received by this Authority on 17.02.2005 with the letter of 14.02.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-19 _____ received by this Authority on 17.02.2005 with the letter of 14.02.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/4-4/4 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003895

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-19	YES
	Claims		NO
Inventive step (IS)	Claims	1-19	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following documents:			
D1: DE 36 13 484 A (HARTMANN SIEGFRIED)			
29 October 1987 (1987-10-29)			
D2: EP 0601736 A1			
I INDEPENDENT CLAIM			
1. Document D1 is considered the prior art closest to the subject matter of claim 1 and discloses (the references between parentheses refer to that document):			
a rotating or pivoting device comprising a housing (3), a working piston (4) that is accommodated in the housing (3) and that can be impinged upon by pressurised means and a pivoting part (7) which is rotatably driven by the working piston (4) via a rotary coupling (7) and is rotatably mounted in the housing (3), the working piston (4) being displaceably mounted in a cylindrical tube (1) which is connected to the housing and the free end of the cylindrical tube (1) near to the housing			

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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comprising a connection module (10).

- 1.2. The subject matter of claim 1 thus differs from the known device in that the cylindrical tube can be screwed into the housing using a screw thread and in that the cylindrical tube comprises a screw thread for screwing on the connection module, the connection module (62, 64, 92, 112) being sealed on its radially outer lying side relative to the housing (12) such that an air chamber (84) connected to each pressure chamber (32, 34, 36, 38) is formed, it being possible to connect said air chambers to the pressure line via connections (86) on the housing side.

The subject matter of claim 1 is thus novel (PCT Article 33(2)).

- 1.3. The present invention can therefore be considered to address the problem of guaranteeing secure air conduction irrespective of the screwing-in depth of the connection module and of not altering the position of the connections on the housing side for different screwing-in depths (see also the original page 3, last paragraph and the original page 10, second paragraph).

- 1.4. The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons: none of the documents found during the proceedings provides for the connection

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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module being sealed on its radially outer lying side relative to the housing such that an air chamber connected to each pressure chamber is formed, it being possible to connect said air chambers to the pressure line via connections on the housing side. The searched prior art therefore cannot render obvious this feature. There is also nothing else that would prompt a person skilled in the art to configure a known rotating or pivoting device in this way.

- 1.5. Document D2 discloses a rotating or pivoting device in which the cylindrical tube can be screwed into the housing using a screw thread and in which the cylindrical tube has a screw thread for screwing on the connection module, but that document does not show any air chambers which are connected to the each pressure chamber and can be connected to a pressure line via connections on the housing side.

II DEPENDENT CLAIMS

2. Claims 2-19 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

III INDUSTRIAL APPLICABILITY

The subject matter of claims 1-19 can be made and used and is therefore considered industrially applicable.

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Box No. V

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**